

Supplemental Amendment

Serial No.: 10/780,797

Confirmation No.: 1508

Filed: February 17, 2004

For: USE OF INHIBITORS OF INDOLEAMINE-2,-DIOXYGENASE IN COMBINATION WITH OTHER
THERAPEUTIC MODALITIES

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Remarks

Upon entry of present amendment, claims 1, 2, 4-7, 9-13, and 30-63 will be pending. New claims 40-63 have been added. Support for new claims can be found throughout the specification, as filed. For example, support for claims 40-44 can be found in the specification at page 2, lines 12-15 and lines 29-31, and in original claims 1, 3, 11, and 12. Support for claims 45-49 can be found in original claim 34 and in the specification at page 2, lines 29-31. Support for claim 50 can be found in original claim 4 and in the specification at page 15, lines 18-22. Support for new claims 51 and 52 can be found in the original claim 13 and in the specification at page 17, lines 13-21. Support for claims 53 and 54 can be found in original claims 30 and 31 and in the specification at page 15, lines 14-16 and lines 22-27. Support for claims 55 and 61 can be found in the specification at page 16, lines 25-30 through page 17, lines 1-2. Support for claim 56 can be found on page 18, lines 28-31 of the specification. Support for claims 57-60 can be found in the specification, on page 19, lines 12-18. Support for claim 62 can be found in the specification on page 19, lines 23-24. Support for claim 63 can be found in the specification on page 16, lines 20-21 and on page 15, lines 13-18. Applicants submit that no new matter has been added.

Consideration of the new claims is respectfully required.

Applicants would also like to remark on the rejections presented in the Office Action mailed on December 12, 2007, in relation to the new claims.

Rejections under 35 U.S.C. § 103(a)

Applicants submit that the obviousness rejections presented in the Office Action are moot with respect to new claims 40-63. The references cited by the Examiner, namely WO 00/66764, Tsang *et al.*, *J. Immunol.* 16:1369-77, 1998, and Pinedo *et al.*, *The Oncologist* 5:497-500, 2000, do not, individually or in combination, teach administering to the subject a pharmaceutical

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composition consisting essentially of **1-methyl-D-tryptophan** or administering to the subject a pharmaceutical composition comprising **1-methyl-D-tryptophan**, but not 1-methyl-(D,L)-tryptophan. Thus, because the references do not teach all elements of the new claims, they do not render obvious at least the new claims 40-63.

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SUMMARY

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper, as described hereinabove, is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of July, 2008.

By: Sandy Truehart

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